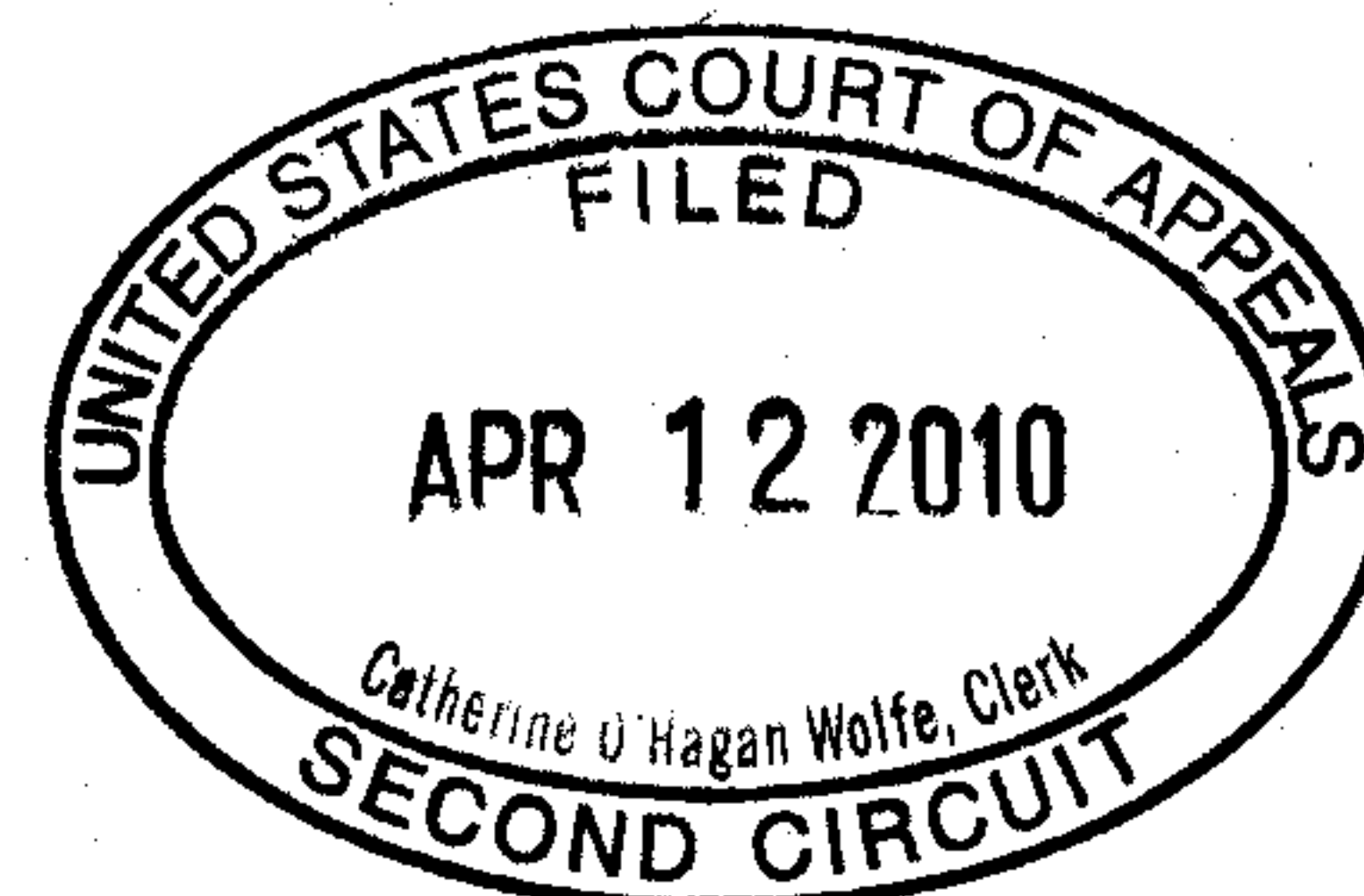


MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 12th day of April, two thousand and ten.

PRESENT: JOSÉ A. CABRANES,
CHESTER J. STRAUB,
RICHARD C. WESLEY,
Circuit Judges.



RICHARD ROSARIO,

Petitioner-Appellant,

v.

SUPT. ROBERT ERCOLE, GREEN HAVEN CORRECTIONAL
FACILITY, ATTORNEY GENERAL ELIOT SPITZER,

Respondent-Appellees.

JUDGMENT

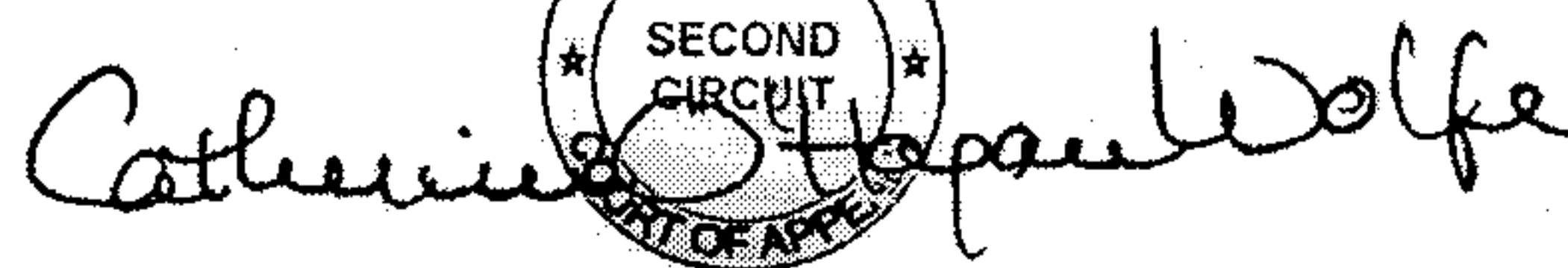
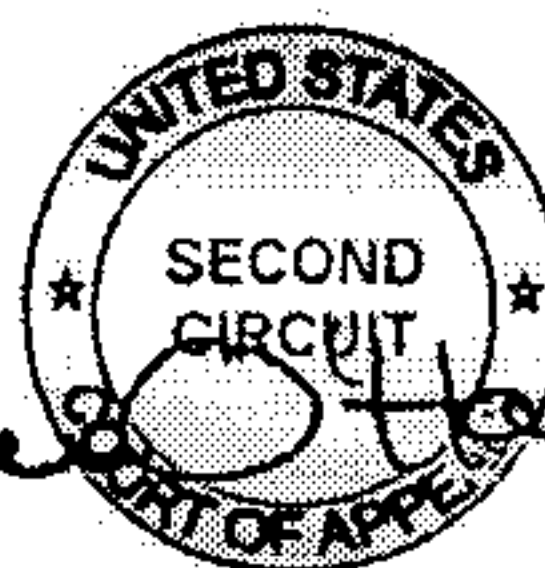
Docket No. 08-5521-pr

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 09/02/2010

The appeal in the above-captioned case from the United States District Court for the Southern District of New York was argued on the District Court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the District Court is AFFIRMED in accordance with the opinion of this Court.

FOR THE COURT,
Catherine O'Hagan Wolfe,
Clerk

Joy Fallek, Administrative Attorney

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




MANDATE ISSUED ON 09/01/2010